

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HOUSE BILL 2328

AN ACT

AMENDING SECTIONS 19-124 AND 19-141, ARIZONA REVISED STATUTES; RELATING TO
INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

May 20, 2005

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Re: House Bill 2328: local ballot questions; full disclosure

Dear Speaker Weiers:

Today I vetoed House Bill 2328, related to local ballot questions. This bill seeks to require, among other things, that state legislative counsel draft voter information regarding local ballot questions, including the analysis and explanation of the effect that a "yes" vote or a "no" vote would have for any ballot measure referred by the legislature to voters of a county or special district.

Under current law, the authority to draft the language appearing on the ballot for a county or special district, and the description in the voter publicity pamphlet, rests with the county officer in charge of elections. County elections officials across Arizona have generally performed these functions well and provided voters with impartial information about ballot measures. These officials have unique knowledge of their local jurisdictions and are fully competent to analyze the effects of ballot measures within their localities. I see no reason to depart from current law and practice in this regard.

For these and other reasons, the changes proposed in House Bill 2328 should not become law.

Yours very truly,

A handwritten signature of Janet Napolitano in black ink, followed by a horizontal line.

Janet Napolitano
Governor

JN:NCD/jm

cc: The Honorable Ken Bennett
The Honorable Chuck Gray

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 19-124, Arizona Revised Statutes, is amended to
3 read:

4 19-124. Arguments and analyses on measures; cost; submission at
5 special election

6 A. The person filing an initiative petition may at the same time file
7 with the secretary of state an argument advocating the measure or
8 constitutional amendment proposed in the petition. Not later than sixty days
9 preceding the regular primary election a person may file with the secretary
10 of state an argument advocating or opposing the measure or constitutional
11 amendment proposed in the petition. Not later than sixty days preceding the
12 regular primary election a person may file with the secretary of state an
13 argument advocating or opposing any measure with respect to which the
14 referendum has been invoked, or any measure or constitutional amendment
15 referred by the legislature. Each argument filed shall contain the original
16 signature of each person sponsoring it. If the argument is sponsored by an
17 organization, it shall be signed by two executive officers thereof OF THE
18 ORGANIZATION or if sponsored by a political committee it shall be signed by
19 the committee's chairman or treasurer. Payment of the deposit required by
20 subsection D or reimbursement of the payor constitutes sponsorship of the
21 argument for purposes of this subsection. The person or persons signing the
22 argument shall identify themselves by giving their residence or post office
23 address and a telephone number, which information shall not appear in the
24 publicity pamphlet. Each argument filed pursuant to this subsection shall
25 not exceed three hundred words in length.

26 B. Not later than sixty days preceding the regular primary election
27 the legislative council, after providing reasonable opportunity for comments
28 by all legislators, shall prepare and file with the secretary of state an
29 impartial analysis of the provisions of each ballot proposal of a measure or
30 proposed amendment. The analysis shall include a description of the measure
31 and shall be written in clear and concise terms avoiding technical terms
32 wherever possible. The analysis may contain background information,
33 including the effect of the measure on existing law, or any legislative
34 enactment suspended by referendum, if the measure or referendum is approved
35 or rejected.

36 C. The analyses and arguments shall be included in the publicity
37 pamphlet immediately following the measure or amendment to which they refer.
38 Arguments in the affirmative shall be placed first in order, and first among
39 the affirmative or negative arguments shall be placed the arguments filed by
40 the person filing the initiative petition or the person who introduced the
41 measure or constitutional amendment referred. The remaining affirmative and
42 negative arguments shall be placed in the order in which they were filed with
43 the secretary of state.

1 D. The person filing an argument shall deposit with the secretary of
2 state, at the time of filing, an amount of money as prescribed by the
3 secretary of state for the purpose of offsetting a portion of the
4 proportionate cost of the PURCHASE OF THE paper and THE printing of the
5 argument. If the person filing an argument requests that the argument appear
6 in connection with more than one proposition, a deposit shall be made for
7 each placement requested. No such deposit or payment shall be required for
8 the analyses prepared and filed by the legislative council. Any proportional
9 balance remaining of the deposit, after paying the cost, shall be returned to
10 the depositor.

11 E. When a measure is submitted at a special election, and time will
12 not permit full compliance with ~~the provisions of~~ this article, the charter
13 provision or ordinance providing for the special election shall make
14 provision for printing and distribution of the publicity pamphlet.

15 F. In the case of referendum petitions that are not required to be
16 filed until after the primary election or at a time so close to the primary
17 election that a referendum cannot be certified for the ballot before the
18 deadline for filing ballot arguments pursuant to subsection A, the secretary
19 of state may establish a separate deadline for filing the referendum ballot
20 arguments pursuant to rules adopted by the secretary of state.

21 G. FOR AN ELECTION FOR ANY COUNTY OR FOR ANY SPECIAL DISTRICT WHOSE
22 BOUNDARIES ARE COTERMINOUS WITH A COUNTY ON A BALLOT MEASURE THAT IS
23 SPECIFICALLY AUTHORIZED BY AN ACT OF THE LEGISLATURE, THE LEGISLATIVE
24 COUNCIL, AFTER PROVIDING REASONABLE OPPORTUNITY FOR COMMENTS BY ALL
25 LEGISLATORS, SHALL PREPARE AND FILE WITH THE COUNTY, AN IMPARTIAL ANALYSIS OF
26 THE PROVISIONS OF THE BALLOT PROPOSAL AND A DESCRIPTIVE TITLE OF THE QUESTION
27 FOR THE BALLOT AS WELL AS THE "YES" VOTE AND "NO" VOTE PROVISIONS. THE
28 ANALYSIS SHALL INCLUDE A DESCRIPTION OF THE MEASURE AND SHALL BE WRITTEN IN
29 CLEAR AND CONCISE TERMS AVOIDING TECHNICAL TERMS WHEREVER POSSIBLE. THE
30 ANALYSIS MAY CONTAIN BACKGROUND INFORMATION, INCLUDING THE EFFECT OF THE
31 MEASURE ON EXISTING LAW. THE LEGISLATIVE COUNCIL ANALYSIS AND THE
32 DESCRIPTIVE TITLE OF THE QUESTION FOR THE BALLOT AS WELL AS THE "YES" VOTE
33 AND "NO" VOTE PROVISIONS SHALL BE PUBLISHED IN THE PUBLICITY PAMPHLET ISSUED
34 BY THAT COUNTY FOR THAT ELECTION AND SHALL BE PLACED IN THE PUBLICITY
35 PAMPHLET IMMEDIATELY AFTER THE TEXT OF THE BALLOT PROPOSAL. THIS SUBSECTION
36 DOES NOT APPLY IF THE LEGISLATURE INCLUDED IN THE MEASURE THAT AUTHORIZED THE
37 BALLOT QUESTION, AN IMPARTIAL ANALYSIS AND A DESCRIPTIVE TITLE OF THE
38 QUESTION FOR THE BALLOT AS WELL AS THE "YES" VOTE AND "NO" VOTE PROVISIONS.
39 MEMBERS AND EMPLOYEES OF THE LEGISLATURE OR LEGISLATIVE COUNCIL ARE NOT
40 SUBJECT TO SUIT AND ARE NOT LIABLE FOR ANY ACTIONS TAKEN OR OMISSIONS MADE
41 PURSUANT TO THIS SUBSECTION.

42 Sec. 2. Section 19-141, Arizona Revised Statutes, is amended to read:

43 19-141. Initiative and referendum in counties, cities and towns

44 A. ~~The provisions of~~ This chapter shall apply to the legislation of
45 cities, towns and counties, except as specifically provided to the contrary

1 in this article. The duties required of the secretary of state as to state
2 legislation shall be performed in connection with such legislation by the
3 city or town clerk, county officer in charge of elections or person
4 performing the duties as such. The duties required of the governor shall be
5 performed by the mayor or the chairman of the board of supervisors, the
6 duties required of the attorney general shall be performed by the city, town
7 or county attorney, and the printing and binding of measures and arguments
8 shall be paid for by the city, town or county in like manner as payment is
9 provided for by the state with respect to state legislation. ~~The provisions~~
10 ~~of section 19-124 with respect to~~ EXCEPT AS PRESCRIBED IN SECTION 19-124,
11 SUBSECTION G, the legislative council ~~analysis do~~ SHALL not ~~apply in~~
12 ~~connection with~~ PROVIDE AN ANALYSIS FOR initiatives and referenda in cities,
13 towns and counties. The printing shall be done in the same manner as other
14 municipal or county printing is done.

15 B. Distribution of pamphlets shall be made to every household
16 containing a registered voter in the city, TOWN or county, ~~so~~ AS far as
17 possible, by the city or town clerk or by the county officer in charge of
18 elections by mail before the earliest date for receipt by registered voters
19 of any requested early ballot for the election at which the measures are to
20 be voted on. If the pamphlet is not mailed before the earliest date for
21 receipt of a requested early ballot, the officer in charge of elections shall
22 provide a notice with the early ballots stating when the pamphlets will be
23 mailed and where and when the pamphlets may be accessed or viewed. Pamphlets
24 shall not be mailed or carried less than ten days before the election at
25 which the measures are to be voted upon.

26 C. Arguments supporting or opposing municipal or county initiative and
27 referendum measures shall be filed with the city or town clerk or the county
28 officer in charge of elections not less than ninety days before the election
29 at which they are to be voted upon.

30 D. The procedure with respect to municipal and county legislation
31 shall be as nearly as practicable the same as the procedure relating to
32 initiative and referendum provided for the state at large, except THAT the
33 procedure for verifying signatures on initiative or referendum petitions may
34 be established by a city or town by charter or ordinance.

35 E. References in this section to duties to be performed by city or
36 town officers apply only with respect to municipal legislation, and
37 references to duties to be performed by county officers apply only with
38 respect to county legislation.

39 F. The duties required of the county recorder with respect to state
40 legislation shall also be performed by the county recorder with respect to
41 municipal or county legislation.

On Reconsideration

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

_____ May 12, 2005,

by the following vote: _____ 32 Ayes,
_____ 21 Nays, _____ 7 Not Voting

Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of May, 2005

at 4:15 o'clock P M.

Wendy L. Lohr
Secretary to the Governor

Approved this _____ day of

_____, 20____,
VETO
at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20th day of May, 2005.

at 3:03 o'clock P M.

Janet K. Brewer
Secretary of State

H.B. 2328

Passed the House March 8, 2005,

by the following vote: 33 Ayes,

25 Nays, 2 Not Voting

[Signature]
Speaker of the House

Norman L. Fyoo
Chief Clerk of the House

Passed the Senate May 11, 2005,

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2328

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 11, 2005,

FAILED

by the following vote: 27 Ayes,

25 Nays, 8 Not Voting

Speaker of the House
Pro Tempore

Armen L. Moore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

VETO

Governor of Arizona

H.B. 2328

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State